

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**DANIEL R. DIAZ-ROSARIO,**  
**Plaintiff,**

**v.**

**CIVIL NO. 03-1906 (DRD)**

**AGENT FRANCISCO GONZALEZ,**  
**et als.,**  
**Defendants**

<b>MOTION</b>	<b>ORDER</b>
<b>Date Filed:</b> 10/11/04 <b>Docket #</b> <u>21</u> <input type="checkbox"/> <b>Plaintiff</b> <input checked="" type="checkbox"/> <b>Defendant</b> <b>Title:</b> Motion to Dismiss or Stay of Proceedings & memorandum in Support Thereof	<b>DENIED/MOOT.</b> The Court has been advised by counsel for the plaintiff that the parallel case before the Court fo First Instance for the Commonwealth of Puerto Rico was stayed on March 10, 2005 and informed to defendants' counsel by fax on April 6, 2005. (See Docket No. 50). Therefore, the Court deems that the abstention issues raised by the defendants are moot.
<b>Date Filed:</b> 06/02/05 <b>Docket #</b> <u>46</u> <input checked="" type="checkbox"/> <b>Plaintiff</b> <input type="checkbox"/> <b>Defendant</b> <b>Title:</b> Informative Motion	<b>NOTED</b> as to plaintiff submitting its answers to defendants' interrogatories.

<b>Date Filed:</b> 06/07/05 <b>Docket #</b> <u>49</u> <input type="checkbox"/> <b>Plaintiff</b> <input checked="" type="checkbox"/> <b>Defendant</b> <b>Title:</b> Emergency Informative Motion Regarding Defendants' refusal to a Settlement Agreement at This Time	<b>NOTED.</b> The parties were provided ninety (90) days to conduct initial discovery to assess the amount of damages and to explore the feasibility of reaching a settlement agreement. Should the parties deem that additional time to conduct discovery is necessary, the parties shall comply with the requirements set forth in <u>O'Connell v. Hyatt Hotels</u> , 357 F.3d 152 (1 <sup>st</sup> Cir. 2004)(standing for the proposition that the party seeking an amendment to a scheduling order shall certify that despite the diligence incurred the deadline could not be reasonably met). <b>The Court deems that the parties have failed to show the diligence incurred, rather the motions filed, evidence that the parties have been playing hide and seek games throughout the discovery period provided.</b> The Court's resources shall not be wasted as a result of the parties failure to conduct discovery proceedings as ordered by the Court. As ordered previously by the Court, the parties shall be ready to discuss settlement propositions at the Settlement Conference to be held on June 10, 2005.
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**IT IS SO ORDERED.**

In San Juan, Puerto Rico this 9<sup>th</sup> day of June 2005.

**S/DANIEL R. DOMINGUEZ**  
**DANIEL R. DOMINGUEZ**  
**U.S. DISTRICT JUDGE**